

### Remarks

The Applicants note with appreciation the withdrawal of the multiple rejections under 35 U.S.C. §112 with respect to indefiniteness as applied to Claims 1, 2, 8, 11, 12 and 19-24.

The Applicants also note with appreciation the withdrawal of the 35 U.S.C. §102 rejection based on Shafiee.

The Applicants further note with appreciation the withdrawal of the objections to Claims 4, 6, 9-10, 13-14 and 18.

Claims 8, 10-11 and 16 now stand rejected under 35 U.S.C. §112 as being indefinite. The Applicants acknowledge the Examiner's helpful comments with respect to Claims 8, 10, 11 and 16. The Applicants respectfully submit that the rejection as it applies to Claim 8 with respect to "nitrogen-containing aromatic compound" and Claim 10 with respect to "pyridine derivative" was addressed in the Supplemental Response dated February 4, 2008. Withdrawal of that portion of the rejection is respectfully requested. Similarly, the Applicants respectfully submit that the rejection of Claim 11 as it applies to "raw material" was previously addressed in the Supplemental Response dated February 4, 2008. The Applicants have nonetheless amended Claim 11 so that it recites "wherein the piperazine derivative represented by formula (I) is a diastereomer salt of an optically active piperazine derivative."

It should be noted that "diastereomer salts" or "the optically active piperazine derivative obtained by decomposing the salts" is used as a raw material, namely the piperazine derivative represented by formula (I) of Claim 1. This is seen in paragraph [0052] of the Applicants' Specification, for example. Withdrawal of that portion of the rejection is also respectfully requested.

The Applicants have amended Claim 16 to provide proper antecedent basis in accordance with the Examiner's helpful suggestion. Thus, Claim 16 now recites that the process further comprises decomposing the diastereomer salts obtained by optical resolution from an optically active water soluble piperazine derivative and optically active tartaric acid with a salt of an alkaline earth metal in a solvent containing 50 wt% or more of water.

The subject matter of amended Claim 16 is supported throughout the Applicants' Specification such as in paragraphs [0033], [0051], [0071] and [0128]. Those paragraphs collectively describe the fact that the above diastereomer salt is water insoluble or slightly soluble

because it is obtained by precipitation. Withdrawal of that portion of the rejection is also respectfully requested.

Claims 1, 3, 5-6, 21 and 23 stand rejected under 35 U.S.C. §103 over Wu. The Applicants respectfully submit that this rejection is moot in view of the inclusion of the subject matter of Claim 7 into Claim 1.

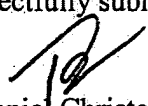
The Applicants have added a portion of the subject matter of Claim 24 into Claim 21 so that Claim 21 now recites that the piperazine derivatives represented by formula (2) are optically active substances. Claim 24 has been amended to remove that portion of its subject matter from the claim. The Applicants therefore respectfully submit that the rejection is now moot with respect to Claims 21 and 23. Withdrawal of the rejection is respectfully requested.

Claims 1 and 3-6 stand rejected under 35 U.S.C. §103 over Kim. The Applicants respectfully submit that this rejection is also now moot in view of the inclusion of the subject matter of Claim 7 into Claim 1.

The Applicants note with appreciation the indication that Claims 7, 9, 19-20, 22 and 24 would be allowed if rewritten into independent form. The subject matter of Claim 7 has been amended into Claim 1 as noted above. As a consequence, the Applicants respectfully submit that all of the claims are now allowable over the prior art. Claim 7 has been cancelled in view of the inclusion of its subject matter into Claim 1.

In light of the foregoing, the Applicants respectfully submit that that the entire Application is now in condition for allowance, which is respectfully requested:

Respectfully submitted,

  
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